



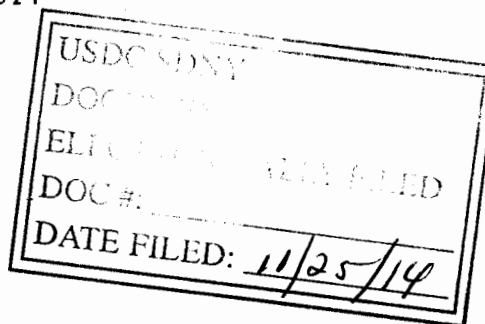
## MEMO ENDORSED

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November 17, 2014

By Facsimile (212) 805-4268  
Honorable Gabriel W. Gorenstein  
United States Magistrate Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Courtroom 6B  
New York, NY 10007-1312



Re: Urchima v. Domenico Restaurant, Inc. et al. Index No.: 14-Civ. 01930

Dear Magistrate Judge Gorenstein:

I represent the defendants in the above referred to action. I write on behalf of both Defendants and Plaintiff pursuant to Paragraph 1.E. of Your Honor's Individual Practices to request an extension of time to complete discovery in this action and to request that a conference be scheduled to discuss possible settlement in this action.

This case was filed by plaintiff Jose Urchima on March 19, 2014, and an Amended Complaint was filed on July 1, 2014. At an initial conference before Judge Berman on July 23, 2014, the Court entered a scheduling order which provided that all discovery be completed by November 20, 2014 and set a status conference for November 20, 2014. On September 12, 2014, the then defendants filed a letter requesting a conference to address their proposed motion to dismiss the Amended Complaint. On October 23, 2014, the parties appeared before Judge Berman for a pre-motion conference. The Court afforded Plaintiff the opportunity to amend the complaint a second time by November 4, 2014 and set a schedule for Defendants to respond to the complaint by December 3, 2014. Plaintiff filed a Second Amended Complaint on November 4, 2014. If Defendants file a motion to dismiss, any response to the motion is due by January 5, 2015 and any reply is to be filed by January 13, 2015.

At the same conference, the parties informed the Court that they needed additional time to complete discovery, in large part because the records of the restaurant where plaintiff worked had been lost when it was evicted and additional time was needed to obtain records from third party vendors as well as complete other discovery. The parties have proceeded with other discovery but will not be able to complete all discovery by November 20, 2014. Judge Berman indicated that he was agreeable to an extension of time – particularly because of the records collection issue and the fact that the parties were discussing settlement – and advised the parties

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to seek an extension from Your Honor. At the same time, Judge Berman suggested that the parties request that Your Honor schedule a settlement conference to attempt to settle this matter. The parties understood that the November 20, 2014 conference was adjourned but will separately confirm the adjournment with Judge Berman.

Accordingly, on behalf of Plaintiff and Defendants, we request that the time to complete discovery be extended to February 20, 2015 and that a conference be scheduled for the purpose of discussing possible settlement of the action. There has been no prior request for an extension of the discovery deadline.

Respectfully submitted,

Edward Copeland

cc: Michael Palitz, Esq. (By Facsimile)

*Grated*  
RECORDED: DATE: 11/29/14  
  
GABRIEL W. GORENSTEIN  
UNITED STATES MAGISTRATE JUDGE